

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

DANIEL HUZINEC,

Defendant.

DECISION AND ORDER

15-CR-28A

On February 13, 2015, the Government filed a motion (Dkt. No. 13) under 18 U.S.C. § 3771 for an order prohibiting defendant from contacting an alleged victim in this case labeled “Victim 1.” The Government sought the order after receiving an indication that defendant attempted to communicate with Victim 1 by way of a letter written to an adult Boy Scout troop leader. The Court gave defendant an opportunity to respond to the motion, and defendant has done so. (Dkt. No. 19.) In his response, defendant consents to entry of a protective order “[w]ithout agreeing to or conceding the accuracy of the allegations of the government in its motion.” (*Id.* at 1.)

The Court accordingly grants the Government’s motion. For the duration of this case, defendant must avoid any contact with Victim 1, however direct or indirect. The Court is issuing this order based on the consent of the parties, without any fact findings regarding the allegations in the Government’s motion. The Court’s order thus is without prejudice to either side litigating the accuracy of the Government’s contentions at a future time.

Next, defendant filed a motion for reconsideration of bail (Dkt. No. 14) on February 17, 2015. The Court gave the Government an opportunity to respond, and the Government has done so. (Dkt. No. 20.) After reviewing the motion papers and the original detention order (Dkt. No. 9), the Court finds no reason to disturb the original detention order. The Court thus denies the motion for reconsideration. This denial will not infringe on defendant's right, under 18 U.S.C. § 3145(b), to seek revocation or amendment of the detention order from Judge Arcara.

SO ORDERED.

/s/ Hugh B. Scott
HONORABLE HUGH B. SCOTT
UNITED STATES MAGISTRATE JUDGE

DATED: February 25, 2015